AFFIDAVIT OF HARVEY S. OWEN

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

HARVEY S. OWEN, being first duly deposed and sworn, states that:

1. I am one of the plaintiffs in Crownover v. Musick, California Supreme Court No. L.A. 29917, and I am the owner and operator of that certain place of business known as Harvey's Guest House and also known as Harvey's, located at 15572 Coronado, in the County of Orange, State of California. Said business is licensed as a cocktail bar by the Department of Alcoholic Beverage Control of the State of California.

2. Since May, 1967, I have presented entertainment by topless dancers, who perform dances on a stage at the premises while their breasts are exposed. At no time during the approximately 6 years that such entertainment has been presented have any of the dancers employed by me been arrested or prosecuted for being lewd or obscene in the presentation of said entertainment.

3. Said premises are located in an industrial and agricultural area and there are no nearby residents to be disturbed by either the entertainment itself or by the traffic generated by the entertainment. During the aforesaid time there have not been any undue or disproportionate disturbances involving customers at the premises. There have not been any disturbances attributable to the presentation of the topless entertainment described above.

4. I am the owner of record of the real property where said business is operated and have an investment within said real property and building of approximately $65,000. I value the building, property and the going business at a sum considerably in excess of $125,000.

5. Since on or about May 1967 I have invested several thousand dollars in the promotion of and advertisement of the

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featured entertainment policy at Harvey's. Over the years I have built up a substantial clientele which comes to the premises for the purpose of viewing such entertainment. Prior to the establishment of said entertainment policy, Harvey's had an approximate monthly gross income of less than $6,000. During the most recent months that topless entertainment has been presented, the monthly gross income is in excess of $20,000.

6. Upon learning that the Supreme Court of the State of California had reversed the decision under which I was granted an injunction permitting me to present live, topless entertainment at Harvey's, I ceased presenting such entertainmement for a period of several days. The gross income of the business decreased by 20 to 30% during that period.

7. I would be unable to continue presenting such topless entertainment if I did not have the continued protection of an injunction against enforcement of Orange County ordinances which purport to prohibit such entertainment. If an order staying the effect of the California Supreme Court decision in Crownover v. Musick is not granted, I will be compelled to permanently discontinue such entertainment.

8. The presentation of topless entertainment at Harvey's is in all respects in compliance with the rules and regulations of the California Department of Alcoholic Beverage Control.

Dated: 5/23/73

Harvey S. Owen

Subscribed and sworn to before me this 23 day of May, 1973.

Notary Public in and for Said County and State

OFFICIAL SEAL
LANA M. FRITZ
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Expires March 7, 1977

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